REMARKS

Claims 1-28 are pending in the application. Claims 1-8 and 11-28 were rejected and claims 9 and 10 were objected to, in the Office action mailed November 16, 2007. Claims 1, 12, and 15 are independent claims. Claims 2-11, claims 13 and 14, and claims 16-28 depend from independent claims 1, 12, and 15, respectively.

Applicant believes that the claims of the Application define patentable subject matter and are allowable, for at least the reasons presented during prior prosecution, and those set forth below.

Applicant respectfully requests reconsideration of pending claims 1-28, in view of the following remarks.

Claim Objections

Claims 9 and 10 were objected to as being dependent upon a rejected base claim. Applicant respectfully submits that claims 9 and 10 depend from independent claim 1. Applicant believes that amended claim 1 is allowable for at least the reasons set forth below, and respectfully requests that the objection to claims 9 and 10 be withdrawn.

Rejection of Claims

Rejections Under 35 U.S.C. §112

Claims 1 was rejected under 35 U.S.C. §112, second paragraph, because the language of the claim was allegedly unclear. Applicant respectfully traverses the rejection.

The Office states that Applicant's feature "communicating the update information to a first electronic device and a second electronic device" "...makes it unclear as to whether the update information is being communicated from the first to the second electronic device, or if it is being communicated to both devices from a third party. Examiner is interpreting [] limitation as being communicated from the first electronic device to the second electronic device based upon the specification and drawings." *See*

Office action at page 2. Applicant respectfully submits that the language of claim 1 is both clear and definite, and that the language of claim 1 is being misinterpreted by the Office.

Applicant respectfully disagrees with the conclusory and limiting interpretation by the Office of what the Specification and Drawings of the Application are alleged to teach. Applicant respectfully submits that the Office fails to provide an explanation as to how and what the Office analyzed of the teachings of the Application to arrive at such an interpretation. Support for communication of update information to a first electronic device and to a second electronic device may be found, at least, at paragraph [0066] of the Application. Support for distribution of update information from a first electronic device to a second electronic device may be found, at least, at paragraph [0060].

Notwithstanding the above, Applicant has amended claim 1 as shown above, to further clarify that in claim 1, update information is communicated to a first electronic device, and is also communicated to a second electronic device.

Applicant respectfully submits that the meaning of the language of claim 1 was, and is as amended, both clear and definite, and respectfully requests that the rejection of claim 1 under 35 U.S.C. §112, second paragraph be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson (US 4,783,841). Claims 4 and 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson in view of McClain (US 5,794,254). Claims 5 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson in view of Tanimura (US 5,752,039). Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson in view of McClain, and further in view of Tanimura. Claims 15-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson in view of Tanimura, and further in view of Mead (US 6,683,993). Claims 26-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crayson in view of Tanimura and Mead, and further in view of Kulkarni et al. (US 6,775,423, hereinafter "Kulkarni").

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR,* 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

Applicant respectfully traverses the rejections, for the reasons set forth during prior prosecution, and those set forth below.

I. Crayson Does Not Render Claims 1-3 Unpatentable

Applicant first turns attention to the rejection of claim 1, which Applicant has amended to recite "[a] method for optimizing distribution of information, the method comprising: generating update information representing at least one universal dictionary; communicating the update information to a first electronic device and to a second electronic device, the update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data; and communicating a reduced amount of data from the first electronic device to the second electronic device using content of the at least one universal dictionary, wherein the reduced amount of data is expressed as a set of instructions."

The Office action asserts that Crayson discloses "...a method for optimizing distribution of information (abstract), the method comprising: Generating update information representing at least one universal dictionary (abstract);...." *See* Office action at page 3. Applicants respectfully disagree.

Applicant respectfully submits that the Office cites only the Abstract of Crayson as teaching Applicant's feature "...generating update information representing at least one universal dictionary;...." The Abstract of Crayson recites the following:

> The present invention enables compression of digitized pictorial data to be achieved by comparing a data block of a predetermined size with a group of patterns relevant to that size held in a library. If a match is found the data block is represented by a code identifying the pattern on an output signal by a code identifying the pattern. If no match is found, the data block is sub-divided into smaller blocks which are compared with another group of patterns relating to the smaller block size. This sub-division process continues until the data is matched or a predetermined minimum size of data block is reached, in which case the data itself is applied to the output signal. The compressed data may be reconstituted and displayed or used to monitor the progress of a vehicle, for example.

Applicant respectfully submits that the portion of Crayson shown above, the only portion of Crayson cited by the Office, teaches that compression of digitized pictorial data is achieved by outputting a code identifying a matching one of a group of patterns held in a library, or by outputting the data itself. The Office asserts that the "library" element of Crayson teaches the "universal dictionary" element recited by Applicant's claim 1. *See* Office action at page 4. Applicant respectfully submits, however, that the cited portion of Crayson does not teach, at least, generating update information representing a library. Indeed, there is no mention in the cited portion of Crayson with respect to updating the "library" of Crayson, or of representing the "library" of Crayson. Instead, the portion of Crayson shown above, which was specifically identified by the

Office, teaches determining and outputting a code identifying a pattern from a group of patterns that matches a data block, or outputting the data block itself, to represent the digitized pictorial data, which Applicant respectfully submits is different from "…generating update information representing at least one universal dictionary;…", as recited by Applicant's claim 1. Therefore, Applicant respectfully submits that Crayson does not teach or suggest at least this aspect of Applicant's claim 1.

In addition, the Office asserts that Crayson discloses "…Communication [sic] the update information to a first electronic device and second electronic device, the update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data (Abstract, column 1, line 65-column 2, line 21, and figure 1 disclose an apparatus for communicating update information from a first device (camera 1 of figure 1) to a second device (display device 8 of figure 1). As shown in figure 1, each device maintains a local copy of a [sic] the at least one universal dictionary. Library 6 and library 10 are the equivalence [sic] of the universal dictionary of the instant application, as they are used as a common frame of reference for determining information to be transmitted.);…." *See* Office action at pages 3 and 4. Applicant respectfully disagrees, and submits that the Office is misinterpreting the language of Applicant's claim 1.

As an initial matter, Applicant has previously addressed the alleged teachings of Crayson at the Abstract and, for at least the reasons set forth above, Applicant respectfully submits that Crayson does not teach "…generating update information **representing at least one universal dictionary**;…." Instead, Crayson teaches representing a data block of digitized pictorial data as a code for a matching pattern of a group of patterns in a library. The code (or pixel data if a match in the library cannot be identified), is not update information **representing the library**, in accordance with Applicant's claim 1. Applicant respectfully submits that the code or pixel data "…communicated from a first device (camera 1 of figure 1) to a second device (display device 8 of figure 1)…" in Crayson is not "update information representing at least one universal dictionary", as recited by Applicant's claim 1. Instead, the code or pixel data outputted by Crayson is simply information **representing the digitized pictorial data**.

Applicant now turns to Crayson at column 1, line 65 to column 2, line 21, which states:

> According to a first aspect of this invention there is provided apparatus for compressing pictorial data comprising: means for accepting an input signal of data representing digital words, each describing a pixel of a picture; means for separating the pictorial data into blocks, each block representing an array of pixels consisting of rows and columns; a library containing groups of patterns, each group relating to a respective block size, and each pattern consisting of a block of data representing a pictorial feature and being associated with an identifying code containing fewer digits than the block size associated with its group, comparison means for comparing the content of each data block with patterns of the relevant group; and means which, if a match is found on comparison, causes the content of the data block to be represented in an output signal by the identifying code associated with the matched pattern whereby the pictorial data is compressed, and if no match is found, causes the data block to be separated into blocks of smaller size and the smaller blocks to be applied to the compression means. By employing this invention. for an average map it is possible to obtain a compression factor ranging from say, 5 up to as much as 20.

Applicant respectfully submits that the portion of Crayson shown above teaches an apparatus for compressing pictorial data, that separates the pictorial data into blocks ,and that compares each data block with patterns of a relevant group of a library containing groups of patterns each associated with an identifying code containing fewer digits than the block size associated with its group, and that outputs the identifying code if a match is found, and that if no match is found, eventually outputs pixel data. The cited portion of Crayson does not, however, teach or suggest "…communicating the update information to a first electronic device and to a second electronic device, the update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data;…", as recited by Applicant's amended claim 1. Applicant respectfully submits that the Office has failed to show where Crayson teaches that the data sent from one electronic device to another is "…update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data…", in accordance with Applicant's claim 1. Instead, Applicant respectfully submits that the data sent from one electronic device to another in Crayson **represents portions of the "pictorial data"**, not the "library 6" or "library 10" that the Office alleges as teaching Applicant's "universal dictionary", and that Crayson does not teach or suggest sending "…update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data…", as recited by Applicant's claim 1. Therefore, Applicant respectfully submits that column 1, line 65 to column 2, line 21 of Crayson fails to teach or suggest at least this aspect of Applicant's claim 1.

Finally, Applicant addresses the alleged teachings of Fig. 1 of Crayson, which is shown below:

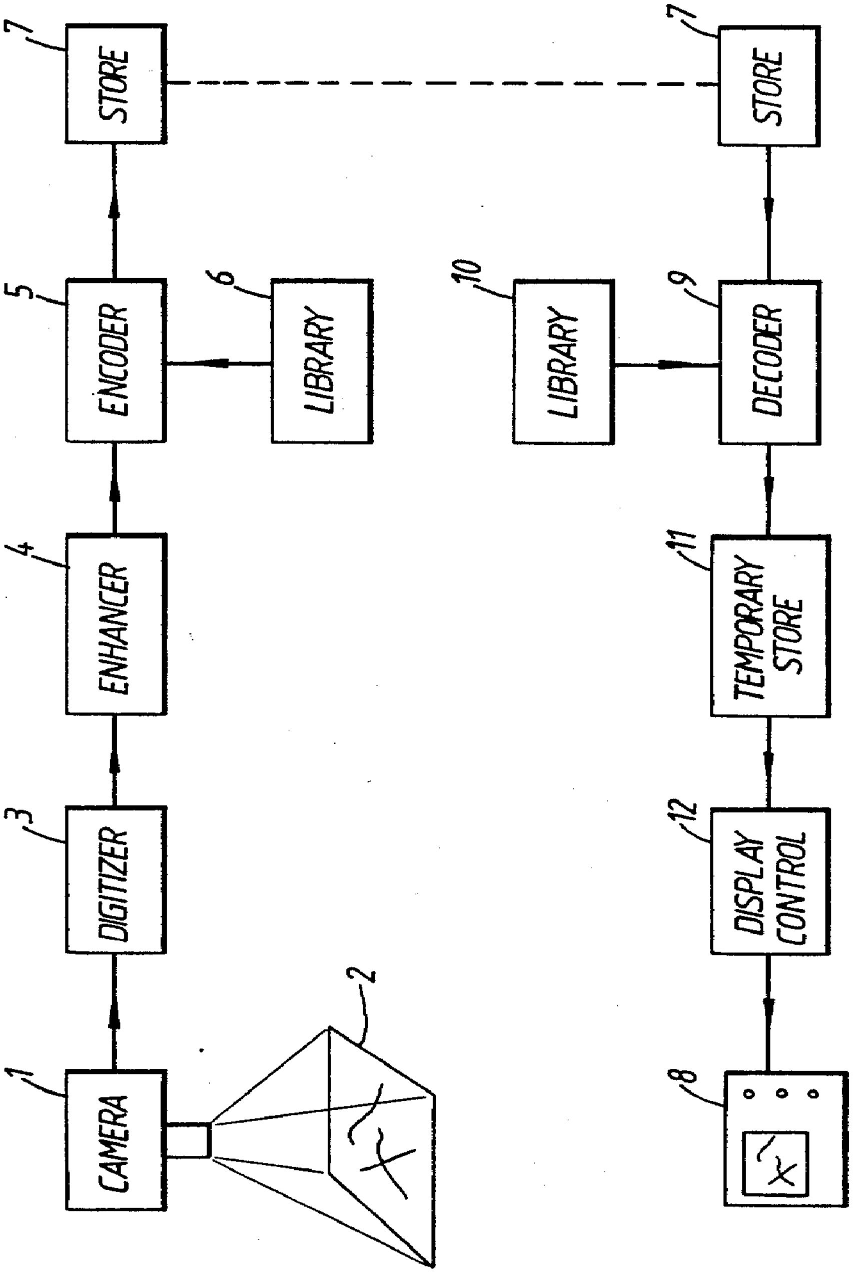

Fig. 1.

Applicant respectfully submits that, while the cited figure of Crayson does show a "LIBRARY 6" and a "LIBRARY 10", which Crayson describes as a "group of patterns" and "identical to library 6", respectively, (*See* column 11, lines 51-52), the illustration of Fig. 1 of Crayson does not teach or suggest "...communicating the update information to a first electronic device and to a second electronic device, the update information for use by the first electronic device and the second electronic device to maintain a local copy of the at least one universal dictionary as a common frame of reference for communication of data;...", as recited by Applicant's claim 1. Therefore, Applicant respectfully submits that Fig. 1 of Crayson, specifically cited by the Office, does not teach or suggest at least this aspect of Applicant's claim 1.

Applicant appreciates recognition by the Office that Crayson "...does not disclose wherein the reduced amount of data is expressed as a set of instructions." *See* Office action at page 4. However, in the absence of any citation of prior art, the Office then takes Official Notice, and asserts that "...it would have been obvious to one of ordinary skill in the art to implement well-known instructions, such as copy, and duplicate, in order to effectively compress and transmit reduced amounts of data in a communication system." *See* Office action at page 4.

Applicants respectfully challenge the conclusory assertions made in the Office action without any supporting evidence that Applicant's feature "...wherein the reduced amount of data is expressed as a set of instructions...", recited in claim 1, is well known or obvious in the art. Applicants respectfully submit that this aspect of Applicant's claim 1 is not well known or obvious in the context of claim 1. Applicants respectfully submit that, for example, in the context of the elements recited in claim 1, Applicant's feature "...wherein the reduced amount of data is expressed as a set of instructions..." is not well known or obvious.

M.P.E.P. §2144.03(E) states that "[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based." Accordingly, in order to maintain the rejections, Applicant respectfully requests that the Examiner produce references in support of the Examiner's contentions or, if the Examiner is relying upon personal knowledge to support the findings of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the findings. (See, e.g., M.P.E.P. §2144.03 and 37 C.F.R. §1.104(d)(2).)

Based at least upon the above, Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness, as required by M.P.E.P. §2142, and that a rejection of claim 1 under 35 U.S.C. §103(a) cannot be maintained.

Therefore, Applicant believes that claim 1 is allowable over Crayson, for at least the reasons set forth above. Applicant respectfully submits that dependent claims 2-11 depend either directly or indirectly from claim 1, for at least the same reasons. Therefore, Applicant respectfully requests that the rejection of claims 1-3 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. The Proposed Combination Of Crayson And McClain Does Not Render Claim 4 Unpatentable

With regard to claim 4, Applicant respectfully submits that claim 4 is allowable over the proposed combination of Crayson and McClain for at least the reasons set forth above, in that McClain fails to remedy the shortcomings of Crayson, set forth above. Applicant therefore respectfully requests that the rejection of claim 4 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Crayson And McClain Does Not Render Claims And 12-14 Unpatentable

Applicant now turns to the rejection of claim 12, which recites "[a] method for optimizing distribution of information between an electronic device and a server, the method comprising: accessing at least one universal dictionary by the electronic device and the server, the at least one universal dictionary comprising a reference frame of photos; generating at least one optimized photo information package, using the reference frame of photos, from a new photo acquired by the electronic device; analyzing a plurality of optimized photo information packages at the server; updating the at least one universal dictionary at the electronic device and the server, based upon the analysis; communicating the at least one optimized photo information package from the electronic device to the server; receiving the at least one optimized photo information package at the server; regenerating the new photo from the at least one optimized photo information package, using the universal dictionary; and storing the regenerated new photo in a storage."

The Office action asserts that Crayson discloses "...accessing at least one universal dictionary by the electronic device and the server, the at least one universal dictionary comprising a reference frame of photos (Column 11, line 43-column 12, line 10 discloses an electronic device and a server (receiving side) both accessing at least one universal dictionary (libraries 6 and 10 of figure 1)); generating at least one optimized photo information package, using the reference frame of photos, from a new photo acquired by the electronic device (column 11, line 43-column 12, line 10 discloses camera taking a digital photo of a map and performing comparisons to create optimized photo information packages using the library); communicating the at least one optimized photo information package from the electronic device to the server; receiving the at least one optimized photo information package at the server; regenerating the new photo from the at least one optimized photo information package, using the universal dictionary; and storing the regenerated new photo in a storage (column 11, line 43-column 12, line 10 and figure 1 disclose optimized photo information being communicated by the camera and received by the server (receiver), regenerated using library 10, stored and displayed.)." *See* Office action at page 6. Applicant respectfully disagrees.

Applicant appreciates recognition by the Office that "Crayson does not disclose analyzing a plurality of optimized photo information packages at the server and updating the at least one universal dictionary at the electronic device and the server, based upon the analysis." *See* Office action at page 7. However, to remedy these shortcomings, the Office turns to McClain and asserts that McClain discloses "...analyzing a plurality of optimized photo information packages at the server and updating the at least one universal dictionary at the electronic device and the server, based upon the analysis (In column 3, lines 8-18 McClain discloses analyzing data chunks. Although this [] not photo information data, it is analogous as any data such as file data, photo data, video data, application data may be used in a similar manner. The common library 20 (universal dictionary) of figure 1 is updated based upon the analysis when necessary.

In addition, the library, as shown in McClain, is not found at the electronic device, but can be when in combination with the teachings of Crayson." *See* Office action at page 7. Applicant respectfully disagrees.

The Applicant first addresses the cited portions of Crayson at column 11, line 43 to column 12, line 10. Crayson at column 11, line 43 to line 63 states:

> With reference to FIG. 1, equipment for carryinq out the invention includes a camera 1 arranged to view a map or picture 2, the information of which it is desired to store. The output of the camera 1 is applied to a digitiser 3 which converts the received analogue signal into a series of bits. The digitised signal is then transmitted via an enhancement circuit 4 to an encoder 5. The encoder compares the received signal representing the largest data block size of the map with the group of patterns held in a library 6 for that level, each pattern consisting of a block of data representing a pictorial feature. If no match is found for a particular block with a pattern in the group, then the block is sub-divided into a series of smaller blocks and the comparison process repeated with another group of patterns included in the smaller block size level in the library 6. When a match is found between segment or block and a pattern, an identifying code associated with the pattern is arranged to represent the contents of the block in an output signal. The output signal is transmitted to a store 7 where it is held until it is wished to retrieve it.

Applicant respectfully submits that the portion of Crayson shown above teaches that an image is encoded by comparing blocks of the image with patterns in a library, where each pattern represents a pictorial feature. If a match is found in the library of patterns, an identifying code is output to a store for later retrieval.

Next, Applicant turns to the portion of Crayson at column 11, line 64 to column 12, line 10, which recites:

> The bottom part of the diagram shown in FIG. 1 illustrates the retrieval process. The store 7 holds compressed data, which when reconstituted, results in a representation of the map 2 on a display device 8. A decoder 9 retrieves the stored data held at 7 and compares the

> identifying codes with information stored in a library 10, the contents of which are identical to the library 6 used during the encoding process. Thus by this comparison, the original digital data may be reconstituted and passed to a temporary store 11, where the data is stored until it is wished to display it at the display device 8. A display controller 12 synchronises the reading out of data from the temporary store 11 with the scanning of the display device 8 to reproduce the stored map 2.

Applicant respectfully submits that column 11, line 64 to column 12, line 10 of Crayson, shown above, teaches that a decoder at a receiver retrieves the encoded image from a store, and compares the identifying codes of the encoded image to the information in the library at the receiver, to reconstitute the image for storage and/or display.

Applicant respectfully agrees with the Office that Crayson does not disclose "…analyzing a plurality of optimized photo information packages at the server;…", and "…updating the at least one universal dictionary at the electronic device and the server, based upon the analysis…", as recited by Applicant's claim 12. Applicant respectfully submits, however, that McClain also does not teach or suggest, at least, "…analyzing a plurality of optimized photo information packages at the server…", and "…updating the at least one universal dictionary at the electronic device and the server, based upon the analysis…", in accordance with Applicant's claim 12.

Applicant turns now to address the alleged teachings of McClain at column 3, lines 8-18, which states:

> The method steps may further include gathering transmission blocks in a transfer chunk. When the size of the transfer chunk equals a predetermined size, the transfer chunk is transmitted to the data center. Preferably, transfer chunks are transmitted to the data center only during a predetermined period. Still further, the method steps may additionally include, for each local file block, determining whether a duplicate of the local file block is stored in a common file library at the data center. The file block is copied to the data center only when a duplicate of the local file block is not stored in a common file library.

Applicants respectfully submit that the cited portion of McClain shown above teaches that blocks of information **for transmission** to a remote "data center" may be gathered into "transfer chunks" for transmission to the receiving "data center" at a predetermined time. The method may determine whether a duplicate of a local file block to be backed up to the remote "data center" is already stored in a common file library at the remote "data center". Based upon the cited portion of McClain shown above, Applicant respectfully submits that any analysis described in this portion of McClain takes place **at the point of transmission**, and that the "data center" is the recipient of any "transfer chunks" containing "file blocks" to e updated.

Applicant respectfully submits that the portion of McClain shown above, which was specifically cited by the Office, teaches that the "analysis" takes place at the transmitting end, which is different from and does not teach "…analyzing a plurality of optimized photo information packages **at the server**; updating the at least one universal dictionary at the electronic device and the server, based upon the analysis [at the server]…", as recited by Applicant's claim 12. Applicant respectfully submits, therefore, that neither Crayson nor McClain teach or suggest this aspect of Applicant's claim 12.

In addition, Applicant respectfully disagrees with the statement by the Office that "…[a]lthough this [] not photo information data, it is analogous as any data such as file data, photo data, video data, application data may be used in a similar manner." *See* Office action at page 7. Applicant respectfully submits that this statement is made without support of any kind, and is presumed by the Applicant to be a taking of Office Notice by the Examiner. Accordingly, in order to maintain the rejection based on such a statement, Applicant respectfully requests that the Examiner produce references in support of the Examiner's contentions or, if the Examiner is relying upon personal knowledge to support the findings of the statement, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support such a statement. (See, e.g., M.P.E.P. §2144.03 and 37 C.F.R. §1.104(d)(2).)

Based at least upon the above, Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness, and that a rejection of claim 12 under 35 U.S.C. §103(a) cannot be maintained.

Therefore, Applicant believes that claim 12 is allowable over the proposed combination of Crayson and McClain, for at least the reasons set forth above. Applicant respectfully submits that claims 13 and 14 depend from allowable claim 12, and are also allowable, for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection of claims 12-14 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combination Of Crayson And Tanimura Does Not Render Claims 5 And 11 Unpatentable

Applicant respectfully submits that claims 5 and 11, which depend from claim 1, are allowable over the proposed combination of Crayson and Tanimura for at least the reasons set forth above, because Tanimura fails to overcome the deficiencies of Crayson. Applicant therefore respectfully requests that the rejection of claims 5 and 11 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. The Proposed Combination Of Crayson, McClain, And Tanimura Does Not Render Claims 6-8 Unpatentable

Applicant respectfully submits that claims 6-8 are allowable over the proposed combination of Crayson, McClain, and Tanimura for at least the reasons set forth above, in that the Office has failed to show how and why either or both of McClain and Tanimura overcome the failings of Crayson, set forth above. Applicant therefore respectfully requests that the rejection of claims 6-8 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. The Proposed Combination Of Crayson, Tanimura, And Mead Does Not Render Claims 15-25 Unpatentable

Applicant first addresses the rejection of claim 15, which recites "[a] system for optimizing distribution of information, the system comprising: a first electronic device capable of at least generating and sending digital information; a second electronic device capable of at least receiving, regenerating and storing digital information; wherein the first and second electronic devices employ at least one universal dictionary as a frame of reference in generating difference information from the digital information at the first electronic device, and in regenerating the digital information at the second electronic device, using the difference information; and wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device."

The Office asserts that the proposed combination of Crayson and Tanimura discloses "…wherein the first and second electronic devices employ at least one universal dictionary as a frame of reference in generating difference information from the digital information at the first electronic device, and in regenerating the digital information at the second electronic device, using the difference information (Crayson, library 6 and 8 [sic, 10] of figure 1, and abstract, lines 1-15 disclose comparing digital information in one device with information stored in the library (universal dictionary), and using the compared information to regenerate the digital information at the second electronic device. Tanimura, abstract lines 1-14 and column 2, lines 26-36 and 42-47 disclose generating difference information from old and new file data and saving the difference information in an update file to generate a new file.)." *See* Office action at pages 10 and 11. Applicant respectfully disagrees.

Applicant respectfully submits that the Office has failed to provide an "…explicit analysis supporting the rejection under 35 U.S.C. 103…", as required by M.P.E.P. §2142. The Office fails to set forth "…some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness…", to explain specifically how and why the teachings of Tanimura are combined with those of Crayson to yield the invention of Applicant's claim 15. Instead, the Office provides only statements of what each reference teaches individually, and fails to explain how the teachings of the references would be combined to result in the invention recited by Applicant's claim 15, leaving Applicant with the treacherous task of attempting to read the Examiner's mind to divine possible explanations of how such a combination would be made, and then responding to such assumed arguments.

Applicant also now addresses the alleged teachings of "library 6 and 8" of Fig. 1 of Crayson. Applicant respectfully submits that, although the cited figure of Crayson does show a "LIBRARY 6" and a "LIBRARY 10", which Crayson describes as a "group of patterns" and "identical to library 6" (*See* column 11, lines 51-52), the illustration of Fig. 1 of Crayson does not teach or suggest "...wherein the first and second electronic devices employ at least one universal dictionary as a frame of reference in generating difference information from the digital information at the first electronic device, and in regenerating the digital information at the second electronic device, using the difference information...", as recited by Applicant's claim 15. For example, there is nothing in Fig. 1 of Crayson that teaches anything regarding "difference information", the generation of "difference information" using a "LIBRARY 6", or the regeneration of digital information using such "difference information" and a "LIBRARY 10". Therefore, Applicant respectfully submits that Fig. 1 of Crayson, specifically cited by the Office, does not teach or suggest at least this aspect of Applicant's claim 15.

Next Applicant addresses the alleged teachings of lines 1-15 (all) of the Abstract of Crayson, which is shown below:

> The present invention enables compression of digitized pictorial data to be achieved by comparing a data block of a predetermined size with a group of patterns relevant to that size held in a library. If a match is found the data block is represented by a code identifying the pattern on an output signal by a code identifying the pattern. If no match is found, the data block is sub-divided into smaller blocks which are compared with another group of patterns relating to the smaller block size. This sub-division process continues until the data is matched or a predetermined minimum size of data block is reached, in which case the data itself is applied to the output signal. The compressed

> data may be reconstituted and displayed or used to monitor the progress of a vehicle, for example.

Applicant respectfully submits that the portion of Crayson shown above teaches that compression of "digitized pictorial data" is achieved by outputting a code identifying a matching one of a group of patterns held in a library, or by outputting the data itself. The Office asserts that the "library" element of Crayson teaches the "universal dictionary" element recited by Applicant's claim 15. *See* Office action at pages 4 and 11. Applicant respectfully submits, however, that the cited portion of Crayson does not teach, at least, "...wherein the first and second electronic devices employ at least one universal dictionary as a frame of reference in generating difference information from the digital information at the first electronic device, and in regenerating the digital information at the second electronic device, using the difference information...", as recited by Applicant's claim 15. Crayson fails to mention anything with respect to "...generating difference information...". Indeed, neither the portion of Crayson shown above, which was specifically identified by the Office, nor any other portion or figure of Crayson, teaches or suggests the use of "difference information". Applicants respectfully submit tat instead, Crayson teaches identifying a matching pattern in a library, and outputting a code correspond to the matching pattern, or the pixel information itself if no match is found. No teaching or suggestion of using "difference information" is provided by Crayson.

Applicant now turns to the alleged teachings of Tanimura at lines 1-14 (all) of the Abstract, which states:

> A header analyzing unit extracts a header area and each table unit area in each of an old and a new executable files, and calls a difference extracting unit for each area. A segment data associating unit associates a segment data in the old executable file with a corresponding segment data in the new executable file, and calls the difference extracting unit for the associated areas. A resource associating unit associates a resource data in the old executable file with a corresponding resource data in the new executable file, and calls the difference extracting unit for the associated areas.

> The difference extracting unit extracts the differences in byte units between the new and the old executable files from start to end in a specified area, and saves the differences in an update file.

Applicant respectfully submits that the portion of Tanimura shown above merely teaches extraction of difference information for corresponding areas of old and new files of executable and resource information. This portion of Tanimura also fails to provide any teaching of the extraction of difference information using information such as the "library 6" of Crayson. As discussed above, Applicant respectfully submits that neither Crayson nor Tanimura provides any teaching that the "library 6" and the "digitized pictorial data" are "old" and "new" files of executable or resource information, as described and employed by Tanimura to extract difference information. As above, Applicant respectfully submits that the Office has failed to provide any reasoned explanation of how the teaching of Tanimura's extraction of difference information would be used to modify the teachings of Crayson regarding "library 6" and "digitized pictorial data", to render Applicant's invention. Accordingly, Applicant respectfully submits that the Abstract of Tanimura, specifically cited by the Office, either alone or when combined with Crayson, does not teach or suggest at least this aspect of Applicant's claim 15.

Applicant now turns to column 2, lines 26-36 and 42-47 of Tanimura, which states:

> A difference extracting unit extracts difference information between data in the logic unit area in the old executable file and the functionally corresponding logic unit area in the new executable file associated by the logic unit area associating unit. The difference information contains, for example, attribute information about the addition, deletion, or replacement of data in the old executable file to generate the new executable file; data length information about the added, deleted, or replaced data; and the data themselves involved.
>
> * * *
>
> Furthermore, the present invention, as an executable file updating device, sequentially retrieves the difference

> information from the update file generated by the above described update file generating unit. It also comprises a file updating unit for generating a new executable file based on the difference information and the old executable file.

Applicant respectfully submits that the portion of Tanimura shown above merely teaches extraction of difference information for corresponding areas of old and new files, that the “difference information” contains “attribute information”, and that a “new executable file” is generated based on retrieved “difference information” and the “old executable file”. Applicants respectfully submit, however, that the cited portion of Tanimura says nothing with respect to the extraction of difference information using anything like the “library 6” of Crayson. Applicant also respectfully submits that neither Crayson nor Tanimura provides any teaching that the “library 6” and the “digitized pictorial data” are “old” and “new” files, as described and employed by Tanimura to extract difference information. In addition, Applicant respectfully submits that the Office does not offer any reasoned explanation of how the teaching of Tanimura’s extraction of “difference information” would be used to modify the teachings of Crayson regarding “library 6” and “digitized pictorial data”, to render Applicant’s invention. Therefore, Applicant respectfully submits that the cited portion of Tanimura, specifically identified by the Office, taken alone or in combination with Crayson, does not teach or suggest at least this aspect of Applicant’s claim 15.

Applicant appreciates recognition by the Office that the proposed combination of Crayson and Tanimura do not disclose “…wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device.” *See* Office action at page 11. The Office, however, turns to Mead to remedy this admitted shortcoming of Crayson and Tanimura, stating “…Mead discloses the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device (Mead column 5, lines 6-19 and figure 1 disclose ‘comparing the one or more feature quantities to stored features of the generic object.’ The generic objects being stored in the object library of figure 1 which is equivalent to the universal dictionary as in it holds information used as a frame of reference. Thus data is analyzed from the video signal and compared with the data in the library if the data does not match, meaning it is different, the library is updated with the new information." *See* Office action at page 11. Applicant respectfully disagrees.

Applicant first addresses Mead at column 5, lines 6-19, which states:

> In accordance with the present invention, the apparatus performs a method of encoding a video signal into a bit stream initiated by transform coding of the video signal. Based upon the transform coded video signal, the encoder extracts at least one object from the video image. Extracting can include segmenting the video image into one or more objects. Then the encoder computes one or more feature quantities for the at least one object. The encoder then classifies the at least one extracted object from a set of generic objects. Classifying may include comparing the one or more feature quantities to stored features of the generic objects. If classifying the object is unsuccessful, then the resulting unrecognized object may be stored in the set of generic objects as a new generic object.

Applicant respectfully submits that the cited portion of Mead teaches extracting at least one object from a transform coded video signal, where feature quantities for the object are used to classify the extracted object from a set of generic objects. If classification is unsuccessful, the set of generic objects may be updated. Applicant respectfully submits, however, that Mead does not teach or suggest "...wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device...", admitted by the office to be missing from the proposed combination of Crayson and Tanimura. Applicant respectfully submits that cited portion of Mead does not teach or suggest that "...difference information sent between the first electronic device and the second electronic device..." is analyzed. Indeed, Applicant has been unable to find anything in Mead that teaches or suggests the sending of "difference information" between first and second electronic devices. If Applicant has inadvertently overlooked such a teaching, the Office is respectfully requested to specifically identify such teachings, and explain how and why such the cited portions of Mead teach Applicant's feature "…difference information sent between the first electronic device and the second electronic device…." Accordingly, Applicant respectfully submits that the cited portion of Mead does not, in fact, disclose "…wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device…" as alleged.

Applicant now turns to Fig. 1 of Mead, which is shown below:

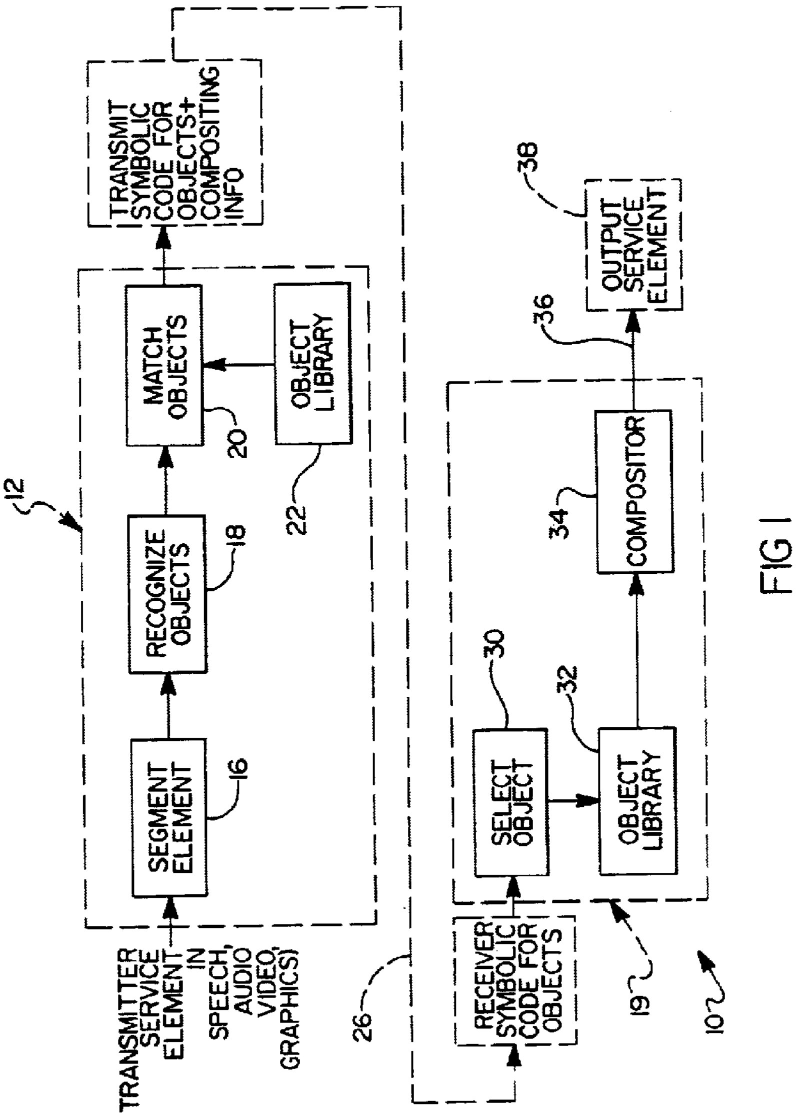
TRANSMIT SYMBOLIC CODE FOR OBJECTS+ COMPOSITING INFO
MATCH OBJECTS
OBJECT LIBRARY
RECOGNIZE OBJECTS
SEGMENT ELEMENT
12
16
18
20
22
TRANSMITTER SERVICE ELEMENT IN SPEECH, AUDIO VIDEO, GRAPHICS)
26
RECEIVER SYMBOLIC CODE FOR OBJECTS
SELECT OBJECT
OBJECT LIBRARY
COMPOSITOR
OUTPUT SERVICE ELEMENT
30
32
34
36
38
19
10

FIG I

Applicant respectfully submits that Fig. 1 of Mead simply illustrates a block diagram showing the elements of an encoder and decoder of a signal transmission system. This illustration from Mead, however, does not teach or suggest "…wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device…", as alleged by the Office. For example, there is nothing in Fig. 1 of Mead that teaches anything about "difference information", or that "…at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device…", as recited by Applicant's claim 15. Indeed, the illustration of Fig. 1 of Mead clearly shows that the "transmitter 11" transmits "SYMBOLIC CODE FOR OBJECTS + COMPOSITING INFO" to the "receiver 12", which is different from and does not teach or suggest "difference information". Again, as stated above, Applicant has been unable to find anything in Mead that teaches or suggests the sending of "difference information" between first and second electronic devices. If Applicant has inadvertently overlooked such a teaching, the Office is respectfully requested to specifically identify such teachings, and explain how and why such the cited portions of Mead teach Applicant's feature "…difference information sent between the first electronic device and the second electronic device…." Therefore, Applicant respectfully submits that the Fig. 1 of Mead does not teach at least this aspect of Applicant's claim 15.

In addition, Applicant respectfully submits that Mead's "set of generic objects", which the Office asserts teaches Applicant's "universal dictionary", is not updated based upon an analysis of such "difference information sent between the first electronic device and the second electronic device", in accordance with Applicant's claim 15. Instead, Mead clearly states that "…[i]f classifying the object is unsuccessful, then the resulting unrecognized object may be stored in the set of generic objects as a new generic object." *See* Mead at column 5, lines 17-19. Therefore, Applicant respectfully submits that the updating of the "set of generic objects" of Mead is based on the failure to recognize an extracted object in the "set of generic objects", and not upon "…an analysis of the difference information sent between the first electronic device and the second electronic device…", as recited by Applicant's claim 15.

Based at least upon the above, Applicant respectfully submits that the proposed combination of Crayson, Tanimura, and Mead does not teach or suggest "…wherein the at least one universal dictionary is updated based upon an analysis of the difference information sent between the first electronic device and the second electronic device…", and that the Office has failed to set forth any reasoned explanation of how the teachings of the references would be combined to result in the invention recited by Applicant's claim 15. Therefore, Applicant respectfully submits that the Office has failed to establish a *prima facie* case of obviousness, and that a rejection of claim 15 under 35 U.S.C. §103(a) cannot be maintained.

Therefore, Applicant believes that claim 15 is allowable over the proposed combination of references, for at least the reasons set forth above. Applicant respectfully submits that claims 16-28 depend either directly or indirectly from allowable claim 15. Because claims 16-28 depend from allowable claim 15, Applicant respectfully submits that claims 16-28 are also allowable, for at least the same reasons. Therefore, Applicant respectfully requests that the rejection of claims 15-25 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VII. The Proposed Combination Of Crayson, Tanimura, Mead And Kulkarni Does Not Render Claims 26-28 Unpatentable

Applicant respectfully submits that claims 26-28 depend either directly or indirectly from claim 15. Applicant believes that claim 15 is allowable over the proposed combination of references, in that Kulkarni fails to overcome the shortcomings of Crayson, Tanimura, and Mead, for at least the reasons set forth above. Because claims 26-28 depend from allowable claim 15, Applicant respectfully submits that claims 26-28 are also allowable, for at least the same reasons. Therefore, Applicant respectfully request that the rejection of claims 26-28 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicant believes that all of claims 1-28 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicant invites the Examiner to contact the undersigned at (312) 775-8000 for an interview.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: March 19, 2008

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